

**BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO**

WALLESS THOMPSON,	)	
	)	
Claimant,	)	<b>IC 05-518777</b>
	)	
v.	)	
	)	<b>ORDER</b>
PEASLEY TRANSFER & STORAGE	)	
COMPANY,	)	
	)	Filed November 17, 2006
Employer,	)	
	)	
and	)	
	)	
STATE INSURANCE FUND,	)	
	)	
Surety,	)	
	)	
Defendants.	)	
_____	)	

Pursuant to Idaho Code § 72-717, Referee Michael E. Powers submitted the record in the above-entitled matter, together with his proposed findings of fact and conclusions of law to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendation of the Referee. The Commission concurs with this recommendation. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant's claim for compensation is untimely and his Complaint is dismissed with prejudice.
2. Claimant has failed to prove he suffered an injury arising out of an industrial accident.
3. The remaining issues are moot.

4. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all issues adjudicated.

DATED this \_\_17<sup>th</sup>\_\_ day of \_\_November\_\_, 2006.

INDUSTRIAL COMMISSION

\_\_\_\_/s/\_\_\_\_\_  
Thomas E. Limbaugh, Chairman

\_\_\_\_/s/\_\_\_\_\_  
James F. Kile, Commissioner

\_\_\_\_/s/\_\_\_\_\_  
R. D. Maynard, Commissioner

ATTEST:

\_\_\_\_/s/\_\_\_\_\_  
Assistant Commission Secretary

**CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_17<sup>th</sup>\_\_ day of \_\_November\_\_, 2006, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following persons:

WALLESS C. THOMPSON  
1918 GRANT  
BOISE ID 83706

NEIL D MCFEELEY  
PO BOX 1368  
BOISE ID 83701-1368

\_\_\_\_/s/\_\_\_\_\_

ge